



MuckRock News
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Immigration and Customs Enforcement
FOIA Office
#585
800 North Capitol Street Northwest
Washington, DC 20536-5009

July 24, 2019

----- This is a follow up to request number 2019-ICFO-28730: -----

Subject: ICE FOIA Request 2019-ICFO-28730

Dear FOIA Office:

I am writing for two reasons:

First, thank you for granting a fee waiver in my case (FOIA Request 2019-ICFO-28730). It is much appreciated.

Second, I would appreciate an update on FOIA Request 2019-ICFO-28730. I submitted the request on January 17, 2019. The DHS FOIA Status Check website originally showed an estimated delivery date of March 26, but no documents were produced by that date. The website now shows an estimated delivery date of April 9, but no documents were produced by that date either. And while the website claims that "status of requests are updated nightly," the status of my request has not been updated in over a month. Please let me know when I can expect to receive all documents responsive to my request.

Thanks very much for all your work.

My best,

Nick Marritz

Filed via MuckRock.com
E-mail (Preferred): 67532-32504269@requests.muckrock.com

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On Feb. 21, 2019:

Subject: ICE FOIA Request 2019-ICFO-28730

February 21, 2019 Nicholas Marritz Muckrock News 411A Highland Ave Dept MR 67532 Somerville, MA 02144 RE: ICE FOIA Case Number 2019-ICFO-28730 Dear Mr. Marritz: This acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated January 17, 2019, and to your request for a waiver of all assessable FOIA fees. Your request was received in this office on February 21, 2019. Specifically, you requested all records related to a telephonic survey that ICE has been conducting since January 2019 of people from Central America "to assist in the agency's programmatic development." A RECORDS REQUESTED I request all records related to (1) this survey; (2) its creation and development; (3) its advertising and promotion to the targeted community; (4) its methodology; (5) all of its intended and/or permitted uses or purposes; (6) responses to the survey; and (7) collection and use of data received in response to the survey. Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, ICE processes FOIA requests according to their order of receipt. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, ICE will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner. ICE evaluates fee waiver requests under the legal standard set forth above and the fee waiver policy guidance issued by the Department of Justice on April 2, 1987, as incorporated into the Department of Homeland Security's Freedom of Information Act regulations [1]. These regulations set forth six factors to examine in determining whether the applicable legal standard for fee waiver has been met. I have considered the following factors in my evaluation of your request for a fee waiver: (1) Whether the subject of the requested records concerns "the operations or activities of the government"; (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities; (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons; (4) Whether the contribution to public understanding of government operations or activities will be "significant"; (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor. Upon review of your request and a careful consideration of the factors listed above, I have determined to grant your request for a fee waiver. ICE has queried the appropriate program offices within

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ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number 2019-ICFO-28730. Please refer to this identifier in any future correspondence. To check the status of an ICE FOIA/PA request, please visit . Please note that to check the status of a request, you must enter the 2019-ICFO-XXXXX tracking number. If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office. You may send an e-mail to ice-foia@ice.dhs.gov, call toll free (866) 633-1182, or you may contact our FOIA Public Liaison, Fernando Pineiro, in the same manner. Additionally, you have a right to right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

(<http://www.dhs.gov/foia-status>) <http://www.dhs.gov/foia-status>

Regards,

ICE FOIA Office
Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009
Telephone: 1-866-633-1182
Visit our FOIA website at www.ice.gov/foia
[1] 6 CFR § 5.11(k).

On Jan. 17, 2019:

Subject: Freedom of Information Act Request: ICE 2019 Telephone Survey of Central Americans...

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

Since January 2019, ICE has been conducting a telephonic survey of people from Central America "to assist in the agency's programmatic development."

A. RECORDS REQUESTED

I request all records related to

- (1) this survey;
- (2) its creation and development;

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- (3) its advertising and promotion to the targeted community;
- (4) its methodology;
- (5) all of its intended and/or permitted uses or purposes;
- (6) responses to the survey; and
- (7) collection and use of data received in response to the survey

B. REQUEST FOR FEE WAIVER

The FOIA provides for requests of fee waiver when the disclosure of the information is in the public interest and not primarily in the commercial interest of the requester.

Public Interest:

The subject concerns the operations or activities of the U.S. Government, because it seeks records related to the federal government's collection of information from people it is attempting to remove from the country. The disclosure is likely to contribute to the public understanding about the operations and activities of the U.S. Government, because the requested documents will be made available to the general public. The disclosure will contribute significantly to the public understanding, because there is no other source from which this information can be obtained.

Not Primarily in the Commercial Interest of the Requester:

I have no commercial interest in this request, and this request is not being made for commercial purposes.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Nicholas Marritz

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